

EXHIBIT 1

AFFIDAVIT OF HOLLY VERMEULEN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARMEN BIGIO, Individually and
on Behalf of All other person similarly situated,

Plaintiff,

-against-

JP MORGAN CHASE & CO.,

Defendant.

Civil Action No. 07-4622 (GEL)

DECLARATION OF HOLLY VERMEULEN

I, Holly Vermeulen, hereby declare and state as follows:

1. I am employed by JPMorgan Chase & Co. in the position of Payroll & Tax Operations Manager. I have knowledge of the following facts and, if called as a witness, I could competently testify to them.
2. One of my job duties as Payroll & Tax Operations Manager is the management and maintenance of payroll records of current and former employees of JPMorgan Chase Bank, National Association ("JPMorgan Chase"), including bank tellers in New York.
3. I have access to personnel and benefits files and payroll records for all of JPMorgan Chase, which are kept in the ordinary course of business.
4. Plaintiff Carmen Bigio was employed by JPMorgan Chase as a bank teller beginning on February 1, 2001.
5. In 2001, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.89 per hour and worked a 35-hour workweek.
6. In 2002, Ms. Bigio was paid a regular hourly rate of pay of no less than \$10.32 per hour and worked a 35-hour workweek.

7. In 2003, Ms. Bigio was paid a regular hourly rate of pay of no less than \$10.32 per hour and worked a 35-hour workweek.

8. In 2004, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.23 per hour and worked a 40-hour workweek.

9. In 2005, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.41 per hour and worked a 40-hour workweek.

10. In 2006, Ms. Bigio was paid a regular hourly rate of pay of no less than \$12.50 per hour and worked a 40-hour workweek.

11. She was paid for all overtime hours worked at one and one-half times her regular rate.

12. JPMorgan Chase pays employees on a semi-monthly basis, i.e., on the 15th of the month and the last day of the month.

13. JPMorgan Chase pay employees for all regular hours worked for each semi-monthly pay period on a current basis (i.e., an employee receiving a pay check on the 15th of the month reflects pay for all regular hours worked the 1st through the 15th days of that month).

14. Overtime hours, however, are not necessarily reflected in the same pay period in which the overtime was actually worked.

15. Like most employers, JPMorgan Chase pays overtime compensation in subsequent payroll periods and overtime worked during the first half of the month might not be paid until the pay check on the last day of the month.

16. A review of JPMorgan Chase's Payroll 2006 Time Calendar, which is attached, reflects this practice. For example, January 4, 2006 was the deadline for the entry of overtime hours worked during the period December 19, 2005 to January 1, 2006, and all overtime worked

during that period would be paid in the following pay period, i.e., the pay period ending January 15, 2006. (See Exhibit A, Payroll 2006 Time Calendar.)

17. Attached hereto as Exhibit B is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending January 15, 2006. Exhibit C is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending October 31, 2005. Exhibit D is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending September 15, 2004. JPMorgan Chase's payroll registers are maintained in the ordinary course of business.

18. Ms. Bigio's payroll statement for the payroll period ending January 1, 2006 has two overtime entries. The first entry reflects 5.08 hours worked during the pay period ending December 31, 2005 at which time her regular rate was \$9.41. The second overtime entry reflects 8.50 hours worked during the current pay period (ending January 1, 2006), at which time her regular rate had increased to \$12.50.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2007.


Holly Vermeulen

TAB A

TO EXHIBIT 1

PAYROLL 2006 TIME CALENDAR

Payroll 2006 Time Calendar

Pay Date	Pay Period (Salary)	Time Entry Period (for all)	Time & Attendance system Cut-Off for: Employee Input & Mgr corrections (5:00 PM Eastern)	Time & Attendance system Cutoff for: Timekeeper Input & Manager approvals (5:00 PM Eastern)	On-Line Timecard system Cutoff for: Manager approvals (5:00 PM Eastern)
		Pay Period(Hrly)			
01/13/06	01/01 - 01/15	12/19 - 01/01	01/04/06	01/05/06	01/04/06
01/31/06	01/16 - 01/31	01/02 - 01/15	01/20/06	01/23/06	01/20/06
02/13/06	02/01 - 02/15	01/16 - 01/29	02/06/06	02/07/06	02/03/06
02/28/06	02/16 - 02/28	01/30 - 02/12	02/16/06	02/17/06	02/16/06
03/15/06	03/01 - 03/15	02/13 - 02/26	03/06/06	03/07/06	03/03/06
03/31/06	03/16 - 03/31	02/27 - 03/12	03/22/06	03/23/06	03/17/06
04/15/06	04/01 - 04/15	*03/13 - 04/02*	04/05/06	04/06/06	04/05/06
04/28/06	04/16 - 04/30	04/03 - 04/16	04/19/06	04/20/06	04/19/06
05/15/06	05/01 - 05/15	04/17 - 04/30	05/04/06	05/05/06	05/04/06
05/31/06	05/16 - 05/31	05/01 - 05/14	05/19/06	05/22/06	05/19/06
06/15/06	06/01 - 06/15	05/15 - 05/28	06/06/06	06/07/06	06/02/06
06/30/06	06/16 - 06/30	05/29 - 06/11	06/21/06	06/22/06	06/16/06
07/14/06	07/01 - 07/15	*06/12 - 07/02*	07/05/06	07/06/06	07/05/06
07/31/06	07/16 - 07/31	07/03 - 07/16	07/20/06	07/21/06	07/20/06
08/15/06	08/01 - 08/15	07/17 - 07/30	08/04/06	08/07/06	08/04/06
08/31/06	08/16 - 08/31	07/31 - 08/13	08/22/06	08/23/06	08/18/06
09/15/06	09/01 - 09/15	08/14 - 08/27	09/06/06	09/07/06	09/06/06
09/29/06	09/16 - 09/30	*08/28 - 09/17*	09/20/06	09/21/06	09/20/06
10/13/06	10/01 - 10/15	09/18 - 10/01	10/03/06	10/04/06	10/03/06
10/31/06	10/16 - 10/31	10/02 - 10/15	10/20/06	10/23/06	10/20/06
11/15/06	11/01 - 11/15	10/16 - 10/29	11/06/06	11/07/06	11/03/06
11/30/06	11/16 - 11/30	10/30 - 11/12	11/20/06	11/21/06	11/17/06
12/15/06	12/1 - 12/15	*11/13 - 12/03*	12/06/06	12/07/06	12/06/06
12/29/06	12/16 - 12/31	12/04 - 12/17	12/19/06	12/20/06	12/19/06

* means three week time entry period*

Version Effective: 11/22/05

This schedule is based on Eastern Daylight Savings time during April through October.

TAB B

TO EXHIBIT 1

**PAYROLL REGISTER FOR
PAY PERIOD ENDING 01/15/2006**

Source Legend: K = Batch Final L = On-line Final O = On-line

TAB C

TO EXHIBIT 1

**PAYROLL REGISTER FOR
PAY PERIOD ENDING 10/31/2005**

Report ID: CUPAY002 (PSFRD89)
 Payroll Co.: The Chase Manhattan Bank (# 001) GL Co: 0102
 Pay Period End:10/31/2005
 Pay Period Start:10/01/2005

JPMorgan Chase
 PAYROLL REGISTER
 On/Off Cycle

Employee Name/ID	Form ID	REGULAR	OVERTIME	OTHER	Earnings	Hours	Type	Earnings	Hours	Gross Pay	Taxes	Type	Deductions	Code	Net Pay
Bigio,Carmen W 321096	MCMB 10/31/2005 A001107418	816.25			SIF	70.00		1,114.68		69.11	CASDI	0 .95	00-AD&D		873.71 A
00788 USNY2	32.00-	301.37-			OTP	1.17		16.53		16.16	MEDI	0 .05	00-CHDADU		
					HOL	8.00		77.34		95.74	FWT				
					OTP	15.00		211.90		1.30	NYSDI				
					VAC	24.00		226.03		35.08	NYSWT				
										22.58	P0001				
Department Total	54.67	514.88	0.00	0.00		48.17		1,114.68							
										1.00					873.71
										0.00					0
															873.71 A

TAB D

TO EXHIBIT 1

**PAYROLL REGISTER FOR
PAY PERIOD ENDING 09/15/2004**

Source legend: K = Batch Final L = On-line Final O = On-line

TAB E
TO EXHIBIT 1

**PAYROLL REGISTER FOR
PAY PERIOD ENDING 12/31/2005**

Source Legend: K = Batch Final L = On-line Final O = On-line